

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD ALLAN SIMMONS,
#189585,

Plaintiff,

File no: 1:04-CV-610

v.

HON. ROBERT HOLMES BELL

TOM REAUME,

Defendant.

_____ /

**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that Defendant's motion for summary judgment (docket #23) is **GRANTED**, and judgment is entered in favor of Defendant on Plaintiff's claims based on denial of a desired transfer and permission to construct a sweat lodge.

IT IS FURTHER ORDERED that Plaintiff's claims for injunctive and declaratory relief are hereby **DISMISSED** as moot.

IT IS FURTHER ORDERED that the newly asserted claims in Plaintiff's amended

complaint are **DISMISSED** because they are not exhausted as required by 42 U.S.C. §1997e(a).

Date: November 8, 2005

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE